



Land Use and Zoning Meeting Minutes

September 19, 2013

STAFF:	David Radachy
DATE:	September 20, 2013

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:25 p.m.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Hanford, Kenyon, Morse, and Welch and Ms. Diak and Mrs. Ross. Staff: David Radachy.

No public comments were made.

Mr. Radachy stated that there were two cases this evening. One from Leroy Township and one from Painesville Township.

Leroy Township – District Change 7,465 Acres of land R-1 to R-2

Staff stated that this a district amendment of 7,465 acres of land, 11.6 square miles, from the current R-1, single family to R-2 single family. It is the remaining portion of Leroy Township that is not currently R-2.

Staff stated that the land of the site is R-1. North and east of the site, the land is zoned Leroy Township R-2. To the south is Hamblen Township, the zoning district is R-1 and requires a minimum lot size of three acres. To the west is Concord Township. The land adjacent to the site is R-4 and requires one acre of land for minimum lot size. Staff stated that the land is being used for single family homes, parks, cemeteries, schools and agriculture. There are some lots that are vacant.

Leroy Township comprehensive plat recommended that the site stay residential without any change to zoning. The comprehensive plan also recommended: Create a new “Residential – rural” zoning district, with a minimum lot size of two to four acres (0.8 to 1.6 hectares), for the area east of the Hell Hollow Wilderness area. The residential – rural zoning district should also be applied to areas with limited groundwater resources. The area in question was not recommended for the new district.

Staff stated that there are 1,271 parcels involved with this district amendment. Currently, there are 212 parcels that are substandard to minimum lot size for R-1 (current zoning). There are 247 lots that are currently between 1.5 acres and 2 acres and 224 lots that are between 2 acres and 3 acres. After the district change is made, there will be 683 sublots that will be non-conforming to zoning in regards to minimum lot size. That is 53% of the district amendment. He went on to state that there are 1,897 parcels in Leroy Township. This will make an additional 36% of the parcels non-conforming. It was

mentioned that the minimum frontage will also be increasing, but there is no easy way to determine how many lots will become non-conforming.

Staff reviewed the non-conforming lots to determine their locations. He stated that there are 20 major subdivisions with 391 sublots in the proposed district amendment area. 199 of those sublots are substandard to zoning either by not having the proper lot width, not meeting minimum lot size or both. An additional 180 sublots of these 20 subdivisions will become substandard. He made a statement that by allowing sublots in the 20 subdivisions to remain R-1, it would reduce the non-conforming rate from 53% to 23% of the district amendment and reduce the overall township non-conforming rate from 36% to 16%.

Staff recommends not approving the district amendment because it does not conform to the Comprehensive Plan. 53% of the parcels becoming non-conforming is too high of a percentage.

The committee asked why was the Township asking for the change in zoning district. Mr. Kenyon stated that it was a product of the meetings that they held in conjunction with the district change for the land in the eastern part of the township. There were landowners who asked the Zoning Commission to consider the rest of the township when rezoning. They would like to see the larger lots.

The committee asked about the impediments to Fair Housing and what did that mean. Staff stated that the large lots cost more money to purchase, which will reduce the number of potential land buyers. This may be considered an impediment to Fair Housing. It may be considered to be exclusionary zoning.

The committee asked about the high level of non-conforming lots. They also asked about the difference in grandfathering and non-conforming lots. Staff stated that there are two types of non-conforming lots. Legal non-conforming lots are lots that met the zoning requirements when they were created, and illegal non-conforming lots are lots that did not meet the zoning when they were created. Staff stated that the legal non-conforming lots are sometimes called grandfathered lots.

The committee asked why it would be an issue if there is a high level of non-forming lots. Staff stated that non-conforming lots generally create a need for variances in order for them to be used. This could put a burden on the township BZA. In this case, the sideline and rearline clearances for both R-1 and R-2 are the same and the lot sizes are fairly large. Even the one acre lots are able to conform to setbacks. The major issue is the fact that the R-1 only requires a 50 foot front setback and R-2 requires a 100 foot setback. New houses being built may end up behind their neighbors' homes. The neighbors will be looking at the new house when they look in their back yards. In order for the homes to be built in line with the rest of the houses, it would need a variance.

Mr. Kenyon stated that Leroy Township Zoning Commission believed that the change meets the Leroy Township Comprehensive Plan because it meets with the overall goal of residential development outside of the town center shall be semi-rural in character. The Leroy Township Zoning Commission agrees that there were specific instructions to change this part of the township to R-2 in the action items or the suggested map changes, but felt the change met the overall goal.

The committee asked if there was any way to lower the number of non-conforming uses. Staff stated only if the subdivisions are allowed to stay as R-1. That would reduce the non-conforming rate to 23%. Staff showed the zoning map of Concord Township and how they left areas inside of the R-4, one acre zoning, as R-1 Zoning.

Mr. Morse made a motion to recommend the district change.

Ms. Diak seconded the motion

Zero voted "Aye".

Five voted "Nay".

One Abstained

Motion failed.

Ms. Diak made a motion to recommend the district amendment with a change that would allow the 20 existing subdivisions that were divided by plat remain R-1. This would reduce the number of legal non-conforming lots.

Mr. Gordon seconded the motion

Four voted "Aye".

Two Abstained

Motion passed.

Painesville Township – District Change 107 acres from R-1 to CS

Staff stated that this is a district change for 107 acres of land along Riverside Drive (SR 84) in Painesville Township. It is currently zoned R-1 and the applicant is requesting CS. The current land use is school and school facilities with some vacant areas. The applicant is Riverside Schools. Staff stated that the area is suggested to become public facilities as per the Painesville Township Comprehensive Plan.

Staff stated that the Historic Society, adjacent property, has rezoned their property to CS. The 38 acres of vacant land was purchased from Lake County in 2005. The 38 acres was attached to the Lake County Home. Lake County Home was given to the Lake County Historic Society in 2007. Riverside School District has placed deed restrictions on the Historic Society requiring them to use the property for educational purposes. This shows that they are planning to use the property for educational or school related functions. The uses of bus storage and maintenance, administrative offices and building maintenance facility (currently located in Concord Township, but could be moved to this site) could be classified as an accessory use under 18.02 A 4, any use customarily carried on or necessary to the main use.

Staff recommends approving the district amendment because it conforms to the Comprehensive Plan.

Staff recommends that the Township Zoning Commission look into classifying school administrative offices (Board of Education), school maintenance facility and vehicle storage and maintenance facilities as permitted uses included in 18.01 D.

The Committee had some questions about how the field house and the athletic fields were defined. He stated that they are part of the education use of the property, so they are still part of the school.

The committee asked why are they rezoning. Staff stated that he thought it was about the school district requesting a sign and it would be easier under CS.

Mr. Kenyon made a motion to amend the recommendation to district amendment.
Ms. Diak seconded the motion.

All voted "Aye".
Motion to amend passed.

Mr. Welch asked for any new business. Staff stated that all the members up reappointment have been reappointed.

Mr. Welch asked for any old business. Staff stated that there was none.

There was no public comment.

Mr. Hanford made a motion to adjourn. Mr. Morse seconded. All voted "Aye". Motion passed.

The meeting adjourned at 7:05 PM.